(MR. SPEAKER.)

while the House is in session. I would also appeal to Hon'ble Members who have any messages to send or receive not to remain in their seats and ask for some messenger to come to their seats, but to kindly move into the lobby and take the assistance of a messenger there. I have seen some members sending slips asking for books or papers to be brought to their seats. It will be in keeping with the dignity of the House and its proceedings if Hon'ble Members who want any references would as far as possible obtain them from the library and not ask for them in the House.

From what I have stated above, it is clear that the use of an internal telephone is also opposed to Parliamentary practice. As far as I have been able to obtain information, in no Legislature in India or even in the House of Commons is there any such arrangement. That it detracts from the dignity of the proceedings of the House and would also distract the attention of the Members which may be directed to any point under debate admits of no doubt.

ANDHRA STATE BILL, 1953.

CLAUSES (continued).

5 P.M.

Mr. SPEAKER.—Now we take up clause 50.

Sri M. PALANIYAPPAN (Ulsoor).—Sir, I wish to bring to your notice that the arrangement of the seats puts Members to a lot of difficulties.

Mr. SPEAKER.—Just half an hour ago, I saw you moving about and sitting somewhere else.

Sri M. V. RAMA RAO.—Sir, I move the amendment standing in my name to clause 50 of the Bill. I have actually sent notice of two amendments. I do not propose to move the first of them. I shall be moving the second of the amendments to clause 50 of which I have given notice. This amendment reads as follows:

> "For the existing clause 50, the following clause shall be substituted, namely:—
>
> 'On and from the appointed day, all laws in force in the State of Mysore shall extend to and apply to the territory added to the State of Mysore by sub-section (1) of section 4 and all laws in force immediately before the appointed day in such territory shall cease to have any force therein'."

Sir, the necessity for this amendment may be briefly stated in the following terms. Clause 50 in the Bill deals with what is described as the territorial extent of laws and says that "The provisions of Part II shall not be deemed to have effected any change in the territories to which any law in force immediately before the appointed day extends or applies, and territorial references in any such law to the State of Madras or of Mysore shall, until otherwise provided by a competent legislature or other competent authority, continue to have the same meaning." Sir, the provisions of Part II are the provisions which bring the Andhra State into existence which is the main purpose of this Bill and which transfer the territories in Bellary District to the State of Mysore as provided in the other clause of this Bill. If under clause 50, the provisions of Part II which create this new State and operate the transfer of territories to Mysore State, are not to be deemed to have effected any change in the territories to which any law in force immediately before the appointed day extends or applies, certain curious consequences would follow. The intention seems to have been that as a consequence of the splitting up of the present State of Madras into residuary Madras State and the new State of Andhra and the transference of certain territories to Mysore State, the territorial extent of the laws enacted in

Madras should be deemed to have been the same. That proposition is so obvious and self-evident that express legislative provision for it, in my opinion, was not called for and would be quite unnecessary. Then with regard to the saving of the operation of the Madras laws in the territories that will be transferred to Mysore, I consider, Sir, that the continuance of Madras laws in any portion of the new Mysore State would not only be unreasonable and unwarranted, but wholly undesirable, because it would create administrative difficulties, and bring about a most unsatisfactory state of affairs in regard to the administration of law. Our Courts and our law officers would have to acquaint themselves with two sets of laws and enable the administration of two sets of laws in respect of the same State.

Such a thing is avoidable if the amendment I have suggested is made. My amendment is that on and from the 1st of October 1953, all laws in force in Mysore State should be made applicable to the transferred territory and that all Madras laws in force immediately preceding that day should cease to operate within the transferred territory. This would not only remove many difficulties that are likely to arise but, as I have observed earlier in the course of this debate, since there cannot be any gradualness in the transition from one set of laws to another, the inconvenience and dislocation can be avoided by making this transition right now. I therefore commend this amendment for the acceptance of this House.

Mr. SPEAKER.—Amendment moved :

> " For the existing clause 50, the following clause shall be substituted, namely :—
>
> '50. On and from the appointed day, all laws in force in the State of Mysore shall extend to and apply to the territory added to the State of Mysore by sub-section (1) of section (4) and all laws in force immediately before the appointed day in such territory shall cease to have any force therein'."

There is an amendment by the Hon'ble Chief Minister to this amendment.

Sri K. HANUMANTHAIYA.—I move the following amendment :—

> " Add after the words 'any force therein' the following clause :—
>
> 'Provided that the Government of Mysore may by notification made before the appointed day, in the *Mysore Gazette*, declare that any law in force in the transferred territory immediately before the appointed day shall continue to be in force in the transferred territory and thereupon such law shall continue to be in force in, and apply to the territory added to the State of Mysore by sub-section (1) of Section (4) until otherwise provided by a Legislature competent to make law for the State of Mysore or other competent authority as the case may be :
>
> Provided further that anything done or any action taken under the laws in force in the transferred territory, before the appointed day, shall be deemed to have been done or taken under the corresponding law in force in that territory, as from the appointed day'."

Sir, in every case of a piece of territory being transferred from one State to another, anomalies of this kind do arise. We have to look at it from two points of view. One is, as my Hon'ble Friend Sri Rama Rao said, from the point of view of Mysore administration. It is true, if Madras laws are to prevail in the transferred territory on the appointed day, our officers have to study them and become familiar with them. The Government also at the Secretariat and Government level have continuously to administer two systems

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of law; one is those laws that are in force in Mysore State and the other is those laws that are in force in the Madras State. But we have to look at this problem from the point of view of the people concerned also. The people of these seven taluks have become used to laws of Madras State from time immemorial. If there is constant change, it is they who will feel the pinch. There must be, what is called in jurisprudence, certainty in regard to law. That is one cardinal principle. If there is uncertainty, there would be great deal of dislocation in our social and economic affairs. It was, therefore, that a provision has been made in the Bill. The existing laws may continue until the competent authority in the Mysore State may change these laws or suitably amend them or alter them if need be. But, there are difficulties in both the positions, whether they are Mysore Laws or Madras Laws, that come into force on the appointed day. If Mysore laws suddenly come into force on the 1st of October, people of these seven taluks stand to suffer some amount of inconvenience. If Madras laws continue to be in force on the 1st of October, the officers and Government of Mysore State will be put to a great deal of difficulty in administering those laws. These are the two obvious propositions. But, it is very difficult to enforce all Mysore laws on the First day of October, for there are certain laws of Madras State which have been enacted for the good of the people and those laws do not exist in Mysore State. If we say that all laws in force in Madras should automatically cease on the 1st of October....

(Some official entered the Hall with a file.)

(There was laughter in the House).

Sri K. HANUMANTHAIYA.—The Ruling was given to the House and therefore the officials are not aware of it. (Laughter.)

AN HON'BLE MEMBER.—He is an official of the Secretariat; he is allowed. (Laughter.)

Sri K. HANUMANTHAIYA.—Therefore, Sir, we have to not only see that either Madras laws or Mysore laws come into force on 1st October but also see that in the process as much inconvenience as possible is avoided. I have no objection to accept Sri M. V. Rama Rao's amendment. His amendment says that Mysore laws should come into force on the 1st of October. That is logical also. But, as I said, we have to look at this problem from the point of view of Bellary people. They have not become accustomed to some of the Mysore laws which they do not have there. Therefore, we have to see that the transition becomes as smooth as possible. There are certain laws, Sir, operating or in force in Bellary taluks which it is necessary to make them to be in force. For example, they have passed the Zamindary Abolition Act. Now, if you do not keep that Act in force, probably you do not keep that Act in force, probably you will have to return all the properties taken over by that Government. There is also the Village Office Act. Here, the Village Officer enjoys the right of succession and other rights like inheritance. In Bellary Taluk, I understand that there is no such hereditary right. They are stipendiary. Anyway, I merely pointed out the two enactments which have to be in force for some time. There may be other laws. Anyway, in order to ease the situation the Mysore Government officers have to study both sets of laws. It is unavoidable But it takes some time for the officers of the Government to study the laws and place their decisions before this House as to which of them should be enacted here and which of them may be left without being enforced. I therefore move a proviso to the amendment moved by Sri Rama Rao. I have already stated that I will accept the amendment. The proviso is as follows.....

AN HON'BLE MEMBER.—The amended clause must be put to vote.

Mr. SPEAKER.—The amendment which is now moved by the Chief Minister will have to be put to vote first as per Rule 79.

Sri K. PATTABHIRAMAN (Kolar).—That is an amendment to the amendment. That cannot be put to vote first.

Mr. SPEAKER.—It should be done. Please see Rule 79.

Sri K. HANUMANTHAIYA.—The proviso is as follows:

"Add after the words 'in force therein' the following clause:—

'Provided that the Government of Mysore may, by notification made before the appointed day in the *Mysore Gazette*, declare that any law in force in the transferred territory immediately before the appointed day, shall continue to be in force in the transferred territory and thereupon such law shall continue to be in force in and apply to the territory added to the State of Mysore by sub-section (4) of Section 4, until otherwise provided by a Legislature competent to make laws for the State of Mysore or other competent authority, as the case may be'."

This proviso is merely meant to make the transition as smooth as possible so that the people in Bellary Taluk may not complain that certain laws have come upon them suddenly or have caused them inconvenience or in the alternative that certain laws which were beneficial to them have suddenly disappeared. I therefore request that .....

Sri K. PATTABHIRAMAN.—The Hon'ble Chief Minister may read the other proviso also.

Sri K. HANUMANTHAIYA.—Yes. The other proviso is:

"Provided further that anything done or any action taken under the laws in force in the transferred territory before the appointed day shall be deemed to have been done or taken under the corresponding law in force in that territory as from the appointed day."

Sir, these two provisos, I hope my Hon'ble friend Sri Rama Rao will accept and that his amendment as amended by these two provisos may be accepted by this House.

Mr. SPEAKER.—Amendment moved:

"Add after the words 'any force therein' the following clause:

'Provided that the Government of Mysore may, by notification made before the the appointed day in the *Mysore Gazette*, declare that any law in force in the transferred territory immediately before the appointed day, shall continue to be in force in the transferred territory and thereupon such law shall continue to be in force in and apply to the territory added to the State of Mysore by sub-section (1) of Section 4, until otherwise provided by a Legislature competent to make laws for the State of Mysore or other competent authority, as the case may be:

Provided further that anything done or any action taken under the laws in force in the transferred territory before the appointed day shall be deemed to have been done or taken under the corresponding law in force in that territory as from the appointed day'."

Sri M. LINGANNA.—May I know how far the amendment of Sri Rama Rao or the amendment by the Chief Minister to that amendment would alter clause 50?

Sri K. HANUMANTHAIYA.—I have already explained that.

Sri M. LINGANNA.—My point is this. Whether the amendment moved by Sri Rama Rao along with the provisos moved by the Hon'ble Chief Minister to the amendment of Sri Rama Rao would alter the provision in clause 50 as indicated in the original Bill, is what I want to know. If not, both amendments would be unnecessary and we may as well accept the original clause 50 itself. If not, it is nothing but redundancy.

Sri M. V. RAMA RAO.—With reference to Sri Linganna's observations, I must say that the amendment to the amendment that I have moved will not displace the substance of my amendment. If I accept that amendment it would not result in the very provision that is contained in clause 50. But Sri Linganna's difficulty seems to be that even my amendment as further amended by the addition of the two provisos suggested by the Chief Minister would be relegating us back to the position indicated in clause 50. That is not so.

As a matter of fact if Sri Linganna would care to read the provisions of clause 50, he would find that what is provided for there is that territorial references in the laws of Mysore or Madras shall continue to have the same meaning as they had before this Bill became law. Now, if Sri Linganna will permit me to cite an illustration, when undivided India was partitioned into India and Pakistan, certain enactments had to be made in order to make the laws which were in force in undivided India applicable in the same measure to divided India and to the new State of Pakistan ; and thereafter the necessary adaptations and amendments were made by the respective leaders of these new Dominions that were created then. If he will remember that, Sir, I think he will concede that the intention of this sub-clause 50 as it stands in the Bill seems to be to proceed on that analogy. It states that notwithstanding that the State of Madras has disintegrated into the residuary State of Madras and the new State of Andhra and transferred certain territories to the third State of Mysore, still, the enactments the Madras Legislative Assembly till that date will continue to have the same meaning in respect of the territorial references in such enactments. If an Act for instance in Madras says : 'The Act extends to the whole of Madras State', it will have extended to the whole of Madras State, and extends hereafter by reason of the enactment of the provisions of the Bill to what is left of Madras State after Andhra has been formed and after Bellary has been transferred to Mysore. That is really the effect of clause 50 as it stands. Now, what is proposed in my amendment is ....

Sri K. HANUMANTHAIYA.—He will understand clearly if you say : 'Sri Rama Rao's amendment is the general rule and what I have moved is an exception'.

Sri M. V. RAMA RAO.—It is a very reassuring explanation, Sir, and I should think that that explanation should induce me to accept the amendment to the amendment moved by the Chief Minister. While doing so, I must make it clear however, that I do not concede the position that there can be any gradualness in the transition from the operation of one set of laws to another. But I quite recognise that in so far as Madras State has enacted laws which leave the set of laws in Mysore a little behind, it is but right and proper for us not to relegate the people in Bellary to the position which prevails in Mysore State, but to secure to them the benefits and advantages of the reformist legislation which has been enacted by Madras State. An instance was cited with reference to the abolition of zamindaries, abolition of inam tenures ; and there may be numerous other enactments which are materially different from, or are in advance of, the enactments which are in force in Mysore. For these reasons, I am agreeable to have my

amendment amended in the manner suggested by the Hon'ble Chief Minister. But I still have some doubt left in my mind, not with regard to the amendment suggested by me or suggested by him, but with reference to the effect it will have when we replace the existing provisions by my amendment as amended by this proviso. The framers of this Bill seem to have thought that it was necessary to say expressly that the laws of Madras State will continue to operate in Madras and will also continue to operate in Andhra naturally until otherwise provided by a competent legislature or authority in Andhra. Though they have not said so expressly in this very clause, that seems to be the intention. Now, my amendment and the provisos suggested wholly relate to the State of Mysore and the applicability of the laws of Mysore except as otherwise provided by these provisos, to the transferred territory.

Neither I nor the Chief Minister has made any reference in our amendments to what will happen to the provision as to the applicability of the Madras laws to the State of Andhra, but since these amendments will not really affect any final modification in the form or content of these clauses but are really in the nature of recommendations which Parliament has to consider in making suitable amendments, I think we may leave the matter there and accept the amendment suggested to my amendment by the addition of two provisos.

Mr. SPEAKER.—I shall put to vote the amendment of the Chief Minister. The question is :

"Add after the words 'any force therein' the following clause :

'Provided that the Government of Mysore may, by notification made before the the appointed day in the *Mysore Gazette*, declare that any law in force in the transferred territory immediately before the appointed day, shall continue to be in force in the transferred territory and thereupon such law shall continue to be in force in and apply to the territory added to the State of Mysore by sub-section (1) of Section 4, until otherwise provided by a Legislature competent to make laws for the State of Mysore or other competent authority, as the case may be :

Provided further that anything done or any action taken under the laws in force in the transferred territory before the appointed day shall be deemed to have been done or taken under the corresponding law in force in that territory as from the appointed day'."

The motion was adopted.

Mr. SPEAKER.—Then the amendment moved by Sri M. V. Rama Rao, as amended. The question is :

"For the existing clause 50, the following clause shall be substituted, namely :—

'50. On and from the appointed day, all laws in force in the State of Mysore shall extend to and apply to the territory added to the State of Mysore by sub-section (1) of Section 4 and all laws in force immediately before the appointed day in such territory shall cease to have any force therein :

Provided that the Government of Mysore may by notification made before the appointed day, in the *Mysore Gazette*, declare that any law in force in the transferred territory immediately before the appointed day shall continue to be in force in the transferred territory and thereupon such law shall continue to be in force in, and apply to the territory

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added to the State of Mysore by sub-section (1) of Section 4 until otherwise provided by a Legislature competent to make laws for the State of Mysore or other competent authority as the case may be :

" Provided further that anything done or any action taken under the laws in force in the transferred territory, before the appointed day, shall be deemed to have been done or taken under the corresponding law in force in that territory as from the appointed day."

The motion was adopted.

Mr. SPEAKER.—The question is :

" That clause 50, as amended, stand part of the Bill."

The motion was adopted.

Mr. SPEAKER.—Clause 51.

Sri M. V. RAMA RAO.— In the light of the important amendments made to clause 50, I think the amendments to clause 51, 52 and 53 cannot be moved.

Mr. SPEAKER.—The question is :

" That clauses 51, 52, 53 and 54 stand part of the Bill."

The motion was adopted.

Sri M. V. RAMA RAO.—I move the amendment to clause 55 which is as follows :

" For sub-clause (1), the following sub-clause shall be substituted, namely :—

' (1) Every proceeding pending immediately before the appointed day before—

(*a*) the High Court of Madras shall,—

(i) if it is a proceeding relating exclusively to any part of the transferred territory, stand transferred to and be deemed to have been commenced in the Court of the District Judge having jurisdiction over the transferred territory ;

(ii) if it is a proceeding partly in respect of a property or cause of action or matter situate or arising within or relating to the transferred territory, such part of the proceeding shall stand transferred to and be deemed to have been commenced in the Court of the District Judge having jurisdiction over the transferred territory ;

(*b*) any other court, tribunal, authority or officer,—

(i) in any area which on that day falls within the State of Madras or the transferred territory shall, if it is a proceeding relating exclusively to any part of the territories forming the State of Andhra under sub-section (1) of Section 3 stand transferred to the corresponding court, tribunal, authority or officer in the State of Andhra ;

(ii) in any area which on that day falls within the State of Madras or the State of Andhra shall, if it is a proceeding relating exclusively to any part of the transferred territory, stand transferred to the corresponding court, tribunal, authority or officer in the State of Mysore ;

(iii) in any area which on that day falls within the State of Madras or the State of Andhra shall, if it is a proceeding partly in respect of any property or cause of action or matter situate or arising within or relating to the transferred territory, such part of the proceeding shall stand transferred to and be deemed to have been commenced in or before the

corresponding court, tribunal authority or officer in the State of Mysore'."

With respect to this clause I should like to remind the House that clause 41, to which more or less similar amendments have been moved and accepted by the House, relates to transfer of cases exclusively to the High Court.

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Now Clause 55 provides for the transfer of all pending proceedings to all corresponding Courts in the State of Andhra and the State of Mysore. It is necessary that in the light of the amendments that have been made to clause 41, corresponding amendments should be made to clause 55. That is the object with which this amendment is moved. Unless any Hon'ble Member is desirous of being convinced about the necessity for it by any elaborate explanation, I shall take it that this amendment is self-explanatory and so I move it for the acceptance of the House.

Mr. SPEAKER.—There is an amendment to this amendment.

Sri K. HANUMANTHAIYA.—Sir, I beg to move the following amendment to the amendment moved by Sri Rama Rao:

"Clause 55—

'I. Add the words "subject to clause 41" before the words "every proceeding pending immediately," etc., occurring in clause (1).

II. Substitute the following words "in the High Court of Mysore" for the words "in the Court of the District Judge having jurisdiction over the transferred territory" occurring in clause (1) (*a*) (i) of the amendment.

III. Substitute the words "the High Court of Mysore" for the words "in the Court of the District Judge having jurisdiction over the transferred territory" occurring in clause (1) (*a*) (ii) of the amendment'."

Sir, these are words that are sought to be added in order to remove some of the legal difficulties that will arise. For example, if there is any original suit or proceedings in the Madras High Court and if they have to be transferred to Mysore State, the difficulty arises, since the Mysore High Court has not been invested with original jurisdiction. The corresponding Courts have consequently been authorised to take over such cases. Therefore, Sir, these verbal alterations may be accepted by Sri Rama Rao. I accept his amendments. With these amendments, the clause may be accepted by the House.

Mr. SPEAKER.—Amendment moved:

"I. Add the words 'subject to clause 41' before the words 'every proceeding pending immediately', etc., occurring in clause (1).

II. Substitute the following words 'in the High Court of Mysore' for the words 'in the Court of the District Judge having jurisdiction over the transferred territory' occurring in clause (1) (*a*) (i).

III. Substitute the words 'the High Court of Mysore' for the words 'in the Court of the District Judge having jurisdiction over the transferred territory' occurring in clause (1) (*a*) (*ii*) of the amendment."

Sri M. V. RAMA RAO.—Sir, I find that clause 55 really contemplates the transfer of proceedings such as are defined in sub-clause (3) of this clause. Sub-clause (3) says:

"in this section—

(*a*) "proceeding" includes any suit, case or appeal."

Now the amendment moved by the Chief Minister seeking to substitute the expression 'in the High Court of Mysore' for the words 'in the Court

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of the District Judge having jurisdiction over the transferred territory' in clause (1) (*a*) (i) of the amendment moved by me, would have the effect of conferring original jurisdiction on the High Court of Mysore which it does not now possess. Sir, if we can invest the High Court by suggesting this amendment with original jurisdiction such as is exercised by the High Courts of Madras, Bombay and Calcutta, I see no reason why this amendment should not be accepted. I accept it myself and I hope the House will accept it.

Sri K. HANUMANTHAIYA:— Regarding the suggestion that has been made of investing the Mysore High Court with original jurisdiction, it is actively under the consideration of the Government. Now in this Bill, it is not possible to say anticipatorily when the original jurisdiction belongs to the High Court. I assure the House that the Government will consider the question of conferring original jurisdiction on Mysore High Court. In fact, the Government are as anxious as they should be that Mysore High Court should have the same prestige, power and jurisdiction as other High Courts. Therefore, this amendment may be accepted.

Mr. SPEAKER.—The question is :

"I. Add the words 'subject to clause 41' before the words 'every proceeding pending immediately,' etc., occurring in clause (1).

II. Substitute the following words 'in the High Court of Mysore' for the words 'in the Court of the District Judge having jurisdiction over the transferred territory' occurring in clause (1) (*a*) (i).

III. Substitute the words 'the High Court of Mysore' for the words 'in the Court of the District Judge having jurisdiction over the transferred territory' occurring in clause (1) (*a*) (ii) of the amendment."

The motion was adopted.

Mr. SPEAKER.—The question is : "For sub-clause (1), the following sub-clause shall be substituted, namely :—

'(1) Subject to clause 41 every proceeding pending immediately before the appointed day before—

(*a*) the High Court of Madras shall,—

(i) if it is a proceeding relating exclusively to any part of the transferred territory, stand transferred to and be deemed to have been commenced in the High Court of Mysore;

(ii) if it is a proceeding partly in respect of a property or cause of action or matter situate or arising within or relating to the transferred territory, such part of the proceeding shall stand transferred to and be deemed to have been commenced in the High Court of Mysore;

(*b*) any other court, tribunal, authority or officer,—

(i) in any area which on that day falls within the State of Madras or the transferred territory shall, if it is a proceeding relating exclusively to any part of the territories forming the State of Andhra under sub-section (1) of Section 3 stand transferred to the corresponding court, tribunal, authority or officer in the State of Andhra;

(ii) in any area which on that day falls within the State of Madras or the State of Andhra shall, if it is a proceeding relating exclusively to any part of the transferred territory, stand transferred to the corresponding court, tribunal, authority or officer in the State of Mysore;

(iii) in any area which on that day falls within the State of Madras or the State of Andhra shall, if it is a proceeding partly in respect of any property or cause of action or matter situate or arising within or relating to the transferred territory, such part of the proceeding shall stand transferred to and be deemed to have been commenced in or before the corresponding court, tribunal authority or officer in the State of Mysore'."

The motion was adopted.

Mr. SPEAKER.—The question is:

"That clause 55, as amended, stand part of the Bill."

The motion was adopted.

Mr. SPEAKER.—Amendments to Seventh Schedule. There are a number of paragraphs in the Seventh Schedule. There are amendments proposed under paragraph 2 (1).

Sri K. HANUMANTHAIYA.—Sir, I beg to move the following amendment:—

"In paragraph 2 (1) of Seventh Schedule, the word 'and' occurring between the words 'Madras and Andhra' shall be omitted and the words 'and Mysore' shall be inserted after the word 'Andhra'."

This refers to the loan that has been floated, Sir. Here, provision is made for sharing of the proceeds of the loan between Madras and Andhra only. I am moving this amendment so that Mysore Government also can have a share on the population basis.

Mr. SPEAKER.—I find that up to paragraph 12, there are only amendments proposed by the Hon'ble the Chief Minister. Many of them are consequential ones. All of them may be moved together.

Sri K. HANUMANTHAIYA.—I move the following amendments:—

1. (1) In sub-paragraph (2) of paragraph 2, for the figures '62.75 : 36 : 1.25', the figures '62.5 : 36 : 1.5' shall be substituted."

(2) For the Explanation the following Explanation shall be substituted:—

"Explanation.—In this paragraph (i) 'treasury' includes a sub-treasury';

(ii) "'Cash balances' include investments in treasury bills, Government securities, fixed deposits and other earmarked investments'."

2. Paragraph 3—For the words 'stores of any class', the words 'stores relating to stationery, medicines and all other classes' shall be substituted; and to the paragraph, the following proviso shall be added, namely:—

"Provided that stores acquired for any specific works in any area shall be allotted to the State in which the said area is situated."

3. Paragraph 4—(i) For the first sentence, the following sentence shall be substituted, namely:—

"The States of Andhra and Mysore shall be entitled to a share of thirty-six per centum and one and a half per centum, respectively of the printing machinery in the Government Press at Madras"; and

(ii) For the words 'that State', the words 'The State concerned' shall be substituted.

4. Paragraph 7—In sub-paragraphs (1) and (2), for the figures '62.75 : 36 : 1.25', the figures '62.5 : 36 : 1.5' shall be substituted.

5. Paragraph 8—For the figures '62.75 : 36 : 1.25', the

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figures '62.5 : 36 : 1.5' shall be substituted.

6. Paragraph 9—For the words 'and the Madras Industrial Investment Corporation' the words 'the Madras Industrial Investment Corporation and the Madras City Transport and other Industrial and Commercial concerns', shall be substituted; and for the figures '62.75 : 36 : 1.25', the figures '62.5 : 36 : 1.5' shall be substituted.

Mr. SPEAKER.—The question is:

"In paragraph 2 (1) of Seventh Schedule, the word 'and' occurring between the words 'Madras and Andhra' shall be omitted and the words 'and Mysore' shall be inserted after the word 'Andhra'."

"(1) In sub-paragraph (2) of paragraph 2, for the figures '62.75 : 36 : 1.25', the figures '62.5 : 36 : 1.5' shall be substituted."

"(2) For the explanation the following explanation shall be substituted:—

"Explanation.—In this paragraph (i) 'treasury' includes a 'sub-treasury';

"(ii) 'Cash balances' include 'investments in treasury bills, Government securities, fixed deposits and other earmarked investments'."

Paragraph 3—For the words 'stores of any class', the words 'stores relating to stationery, medicines and all other classes' shall be substituted; and to the paragraph, the following proviso shall be added, namely:—

"Provided that stores acquired for any specific works in any area shall be allotted to the State in which the said area is situated".

Paragraph 4—(i) For the first sentence, the following sentence shall be substituted, namely:—

"The States of Andhra and Mysore shall be entitled to a share of thirty-six per centum and one and a half per centum respectively of the printing machinery in the Government Press at Madras"; and

(ii) For the words 'that State', the words 'the State concerned' shall be substituted.

Paragraph 7—In sub-paragraph (1) and (2), for the figures '62.75 : 36 : 1.25' the figures '65 : 36 : 1.5' shall be substituted.

Paragraph 8—For the figures '62.75 : 36 : 1.25', the figures '62.5 : 36 : 1.5' shall be substituted.

Paragraph 9—For the words 'and the Madras Industrial Investment Corporation' the words 'the Madras Industrial Investment Corporation and the Madras City Transport and other Industrial and Commercial Concerns' shall be substituted; and for the figures '62.75 : 36 : 1.25', the figures '62.5 : 36 : 1.5' shall be substituted.

The motion was adopted.

Mr. SPEAKER.—The first amendment stands in the name of the Chief Minister for Paragraph 12.

Sri K. HANUMANTHAIYA.—Sir, to Paragraph 12 (3), there are three amendments. I beg to move:

(i) "That in clause (*a*), for the words 'only expenditure', the words 'only expenditure outside the revenue account' shall be substituted."

The purport of the amendment is, Sir, that revenue expenditure will not be shared. Only capital expenditure will come in for sharing between the two States.

(ii) "In clause (*b*), after the words 'State of Andhra', the words 'and the transferred territory' shall be inserted;"

That is to say, the expenditure incurred for this Project is in the existing clause confined to State of Andhra. By reason of the clause we have accepted by way of an amendment in regard to Tungabhadra Project, that is, 62-A, this is only consequential. Otherwise, the State of Andhra alone will be made responsible for the expenditure. Since we have claimed the ownership, the expenditure will also have to be shared by agreement on that basis. Therefore, the clause will read:

"(*b*) the expenditure incurred on the Tungabhadra Irrigation and Hydro-Electric Project up to the commencement of the appointed day shall be deemed to have been incurred in the territories of the State of Andhra and the transferred teritorry."

Then,

(iii) "in the proviso for the words 'Provided that', the words 'Provided that only' shall be substituted."

It will read as:

"Provided that only the amount of public debt on account of the expenditure on the Tungabhadra Irrigation and Hydro-Electric Project....."

In order to define that there may be no other expenditure than the one envisaged in this clause, the word "only" has been added.

(2) For sub-paragraph (5), the following sub-paragraph shall be substituted, namely:—

"(5) In order to compensate the States of Andhra and Mysore finally for their relative smaller share of buildings their share in the liability on account of debt to be apportioned between the States of Andhra, Mysore and Madras under sub-paragraph (2) of this paragraph shall be reduced by 230.4 lakhs of rupees in respect of the State of Andhra and by a suitable amount to be determined with reference to the population in the transferred territory in respect of the State of Mysore and the share of the State of Madras in such liability shall be correspondingly increased."

Sir, in that clause only Andhra State has been mentioned. Now we are claiming our part of the assets. That is all, Sir.

Mr. SPEAKER.—Amendment moved:

Paragraph 12—(1) In sub-paragraph (3):

(i) in clause (a), for the words "only expenditure", the words "only expenditure outside the revenue account", shall be substituted.

(ii) in clause (*b*), after the words "State of Andhra", the words "and the transferred territory" shall be inserted; and

(iii) in the proviso for the words "Provided that", the words "provided that only" shall be substituted;

(2) For sub-paragraph (5), the following sub-paragraph shall be substituted, namely:—

"(5) In order to compensate the State of Andhra and Mysore finally for their relative smaller share of buildings their share in the liability on account of debt to be apportioned between the States of Andhra, Mysore and Madras under sub-paragraph (2) of this paragraph shall be reduced by 230.4 lakhs of rupees in respect of the State of Andhra and by a suitable amount to be determined with reference to the population in the transferred territory in respect of the State of Mysore and the share of the State of Madras in such liability shall be correspondingly increased."

(MR. SPEAKER.)

Sri Imam also may move his amendment.

Sri J. MOHAMED IMAM.—I move my amendment.—

"That sub-paragraph (3) of paragraph 12 be so amended as to include the following provision, namely :—

'All capital works including irrigation and hydro-electric projects that were carried out in the State of Madras since 1900 to the appointed day shall be taken into account for determining the assets of the State of Madras.'"

Mr. SPEAKER.—Those who are in favour of the amendment moved by the Chief Minister will say 'aye'.

Sri J. MOHAMED IMAM.—Shall I explain it ?

Sri K. HANUMANTHAIYA.—I want to make an appeal to him to withdraw. Division of assets and liabilities have already been provided for in the Bill. It is not as though this point is not going to be taken into consideration. They are going to be shared. They have accumulated for a considerable number of years —it may be even prior to 1900. Therefore it is covered by my amendment.

Sri J. MOHAMED IMAM.—Then, I do not propose to move it.

Mr. SPEAKER.—The question is—

"That in Paragraph 12,

(1) in sub-paragraph 3,

(i) in clause (a), for the words "only expenditure", the words "only expenditure outside the revenue account", shall be substituted.

(ii) in clause (*b*), after the words "State of Andhra", the words "and the transferred territory" shall be inserted; and

(iii) in the proviso for the words "Provided that", the words "provided that only" shall be substituted;

(2) for sub-paragraph (5), the following sub-paragraph shall be substituted, namely :—

"(5) In order to compensate the State of Andhra and Mysore finally for their relative smaller share of buildings their share in the liability on account of debt to be apportioned between the States of Andhra, Mysore and Madras under sub-paragraph (2) of this paragraph shall be reduced by 230.4 lakhs of rupees in respect of the State of Andhra and by a suitable amount to be determined with reference to the population in the transferred territory in respect of the State of Mysore and the share of the State of Madras in such liability shall be correspondingly increased."

The motion was adopted.

Mr. SPEAKER.—The question is :

"That Paragraph 12, as amended, stand part of the Bill."

The motion was adopted.

Sri K. HANUMANTHAIYA.—Sir, I beg to move—

"Paragraph 13—At the end of the said paragraph, the following words shall be added, namely :—

'To the extent to which the deposits are not covered by cash or securities, the States of Andhra and Mysore shall be allotted cash or securities to cover such deposits and the share of the State of Madras in such cash or securities correspondinly reduced.'"

"Paragraph 15—At the end of the said paragraph, the following words shall be added, namely :—

'To the extent to which the said liability is not covered by cash or securities, the States of

Andhra and Mysore shall be allotted cash or securities to cover such liability and the share of the State of Madras in such cash or securities correspondingly reduced.' "

" Paragraph 6—At the end of the said paragraph, the following words shall be added, namely :—

' To the extent to which the said liability is not covered by cash or securities, the States of Andhra and Mysore shall be allotted cash or securities to cover such liability and the share of the State of Madras in such cash or securities correspondingly reduced.' "

' Paragraph 17—In sub-paragraph (3) for the figures ' 1.25 ', the figures ' 1.5 ' shall be substituted.

" Paragraph 19—To the said paragraph, the following proviso shall be added, namely :—

' Provided that nothing in this paragraph shall be deemed to prohibit the apportionment of such benefit or burden in any other manner if the States concerned so agree.' "

I may briefly say that we have fixed the figure 1.5 advisedly. It is more or less based on the population of these States. Originally the Bill allotted to the Mysore State 1.25 on the population basis. But actually the population figure of these seven taluks works out to 1.375. They had included a percentage less than what was our due. It is 1.375. Therefore, in order to facilitate calculation, it is made 1.5. That is the real purpose of the amendment. The other things are merely safeguards.

Mr. SPEAKER.—The question is :

" Paragraph 13—At the end of the said paragraph, the following words shall be added, namely :—

' To the extent to which the deposits are not covered by cash or securities, the States of Andhra and Mysore shall be allotted cash or securities to cover such deposits and the share of the State of Madras in such cash or securities correspondingly reduced.' "

" Paragraph 15—At the end of the said paragraph, the following words shall be added, namely :—

' To the extent to which the said liability is not covered by cash or securities, the States of Andhra and Mysore shall be allotted cash or securities to cover such liability and the share of the State of Madras in such cash or securities correspondingly reduced.' "

" Paragraph 16—At the end of the said paragraph the following words shall be added, namely :—

' To the extent to which the said liability is not covered by cash or securities, the States of Andhra and Mysore shall be allotted cash or securities to cover such liability and the share of the State of Madras in such cash or securities correspondingly reduced.' "

' Paragraph 17—In sub-paragraph (3) for the figures ' 1.25 ', the figures ' 1.5 ' shall be substituted.

" Paragraph 19—To the said paragraph, the following proviso shall be added, namely :—

' Provided that nothing in this paragraph shall be deemed to prohibit the apportionment of such benefit or burden in any other manner if the States concerned so agree.' "

The motion was adopted.

Mr. SPEAKER.—The question is

" That paragraphs 13, 15, 16, 17 and 19, as amended, stand part of the Seventh Schedule."

The motion was adopted.

Sri J. MOHAMED IMAM.—I am not moving my amendment to the Seventh Schedule.

Mr. SPEAKER.—So also Sri Mulka Govinda Reddy ?

Sri MULKA GOVINDA REDDY.—How ?

Mr. SPEAKER.—Because, your amendment cannot stand because the other amendments are approved and passed already.

Sri MULKA GOVINDA REDDY.—But I was not allowed to move my amendment. Whether it is acceptable to the House or not is a different matter.

Mr. SPEAKER.—So far as these figures are concerned, the decision of the House is just now taken. They have approved all these figures but not yours. That means, your amendment falls.

Sri K. HANUMANTHAIYA.—According to rules, we cannot reopen the question. The amendments have already been approved by the House.

Sri MULKA GOVINDA REDDY.—I entirely agree that the amendments have been approved.

Mr. SPEAKER.—Then, the Hon'ble Member may sit down.

Sri MULKA GOVINDA REDDY.—A right vested in me has been taken away. I should have been allowed to move my amendment, whether it was acceptable or not to the House being a different matter.

Mr. SPEAKER.—The Hon'ble Member may please see rule 70. A Member in charge of the Bill must be given preference in regard to the moving of amendments. That is why I permitted the Hon'ble the Chief Minister to move his amendments.

Sri MULKA GOVINDA REDDY.—I agree. I am not complaining. But I must also move my amendment before the amendments are approved by the House.

Mr. SPEAKER.—No. That is why I pointed out the rule. Now, you may move your amendment if you so desire.

Sri MULKA GOVINDA REDDY.—Now that my right to move has been established, I do not move.

Mr. SPEAKER.—The question is :

"That the Seventh Schedule, as amended, stand part of the Bill."

The motion was adopted.

Mr. SPEAKER.—The question is :

"That the Eighth and Ninth Schedules stand part of the Bill."

The motion was adopted.

Mr. SPEAKER.—Clause 2. The question is—

"That clause 2 stand part of the Bill."

The motion was adopted.

Mr. SPEAKER.—Clause 1. As regard to clause 1 there is an amendment.

Sri K. HANUMANTHAIYA.—Sir, I beg to move :

"That in sub-clause 2 insert the figure '50' between the figures '42 and 51'."

Mr. SPEAKER.—The question is :

"That in sub-clause 2 insert the figure '50' between the figures '42 and 51'."

The motion was adopted.

Mr. SPEAKER.—The question is :

"That Clause 1 as amended stand part of the Bill".

The motion was adopted.

Mr. SPEAKER.—Title and Preamble. The question is :

"That the Title and the Preamble stand part of the Bill".

The motion was adopted.

Motion to approve.

Sri K. HANUMANTHAIYA (Chief Minister).—Sir, I beg to move:

"That this House accords its approval to the provisions of the Andhra State Bill, 1953, as modified."

Mr. SPEAKER.—The question is:

"That this House accords its approval to the provisions of the Andhra State Bill, 1953, as modified."

The motion was adopted.

Mr. SPEAKER.—The Bill is approved as amended. The Chief Minister will thank you on my behalf and on his behalf.

Sri K. HANUMANTHAIYA.—I wanted to make a speech, Sir. I must make a submission. Now it is nearly six o'clock. We have worked from morning. There is one question to be taken up for discussion. I suggest that, if the House has no objection, it may be taken up next day.

Mr. SPEAKER.—The questions that had been put down for half-an-hour debate, *viz.*, Qs. Nos. 121-156 and 84, may be taken up on 3rd August 1953. And some two questions relating to the Hon'ble Chief Minister which had been posted to 1st August 1953 during question time will also be taken on 3rd August 1953.

Sri J. MOHAMED IMAM.—What is the programme from Monday?

Sri K. HANUMANTHAIYA.—Tomorrow is a holiday and then comes Saturday and Sunday. The Leader of the Opposition has been so reasonable these days, Sir, that I feel like accepting whatever he says.

Sri L. SIDDAPPA (Channagiri).—Are we taking up Educational Reforms on Monday?

Mr. SPEAKER.—Educational Reforms have to be discussed. It is there according to original programme we already had. We will see what can be done in consultation with the Leader of the House and fix up the programme.

The House will now rise and meet at 12 of the Clock on Monday, 3rd August.

The House adjourned at Six of the Clock to meet again at Twelve of the Clock on Monday the 3rd August 1953.